



February 9, 1999

## HOUSE BILL No. 1705

DIGEST OF HB1705 (Updated February 2, 1999 3:19 pm - DI 94)

**Citations Affected:** IC 36-2.

**Synopsis:** Reimbursement of county jail costs. Provides that the county clerk shall collect, with the assistance of the county sheriff, the amounts due from an inmate to reimburse the county for the costs of detaining the inmate in the county jail and other related costs.

**Effective:** Upon passage.

**Kuzman**

January 26, 1999, read first time and referred to Committee on Local Government.  
February 8, 1999, reported — Do Pass.

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February 9, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1705

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-2-13-15 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) As used in  
3 this section, "lawful detention" has the meaning set forth in  
4 IC 35-41-1-18.  
5 (b) This section applies to a county only if the legislative body for  
6 the county elects by ordinance to implement this section.  
7 (c) A person who is:  
8 (1) sentenced under this article for a felony or a misdemeanor;  
9 (2) subject to lawful detention in a county jail for a period of more  
10 than seventy-two (72) hours;  
11 (3) not a member of a family that makes less than 150% of the  
12 federal income poverty level; and  
13 (4) not detained as a child subject to the jurisdiction of a juvenile  
14 court;  
15 shall reimburse the county for the costs described in subsection (d).  
16 (d) A person described in subsection (c) shall reimburse the county

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for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) thirty dollars (\$30);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county ~~sheriff clerk~~ shall collect the amounts due from a person under this section. **The county sheriff shall enforce this section and assist the county clerk in collecting the amounts due. Collections shall be made** in conformity with the procedures specified in the ordinance adopted under subsection (b), **if any**. If the county **clerk, with the assistance of the county** sheriff, does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 2. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1705, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 11, nays 0.

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